

UNITED STATES COURT FOR THE THIRD CIRCUIT

No. 04-4186

Democratic National Committee, et al.

v.

Republican National Committee, et al.

Ebony Malone, Intervenor

Republican National Committee, Appellant

On Appeal from the United States District Court for the District of New Jersey
(D NJ Civil No. 81-cv-3876)
District Judge: Honorable Dickinson R. Debevoise

SUR PETITION FOR REHEARING EN BANC

PRESENT: SCIRICA, Chief Judge, SLOVITER, NYGAARD, ALITO, ROTH,
McKEE, BARRY, AMBRO, FUENTES, SMITH, FISHER AND
VAN ANTWERPEN, Circuit Judges

(Filed November 2, 2004)

The petition for rehearing filed by the Republican National Committee having been submitted to all available circuit judges in active service, and a majority of those judges having voted to grant rehearing en banc, it is hereby

O R D E R E D that rehearing en banc is granted, the opinion and order of this Court dated November 1, 2004 is vacated and the November 1, 2004 order of Judge

Debevoise is hereby stayed.

By the Court,

/s/ Anthony J. Scirica
Chief Judge

Dated: November 2, 2004

nmb/cc: BRB, JGH, MMB, JAL, RWS,
JWN, PGB, LSS, ANR, CHL